

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

KEVIN A. HORNBUCKLE,

No. 6:13-cv-679-CL

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

ORDER

Defendant.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed Findings and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Because plaintiff objects to the Findings and Recommendation, I have reviewed this matter de novo. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Defendant concedes the ALJ's decision contained errors. Defendant argues that the case should be remanded for further proceedings. Plaintiff opposes remand, contending he is entitled

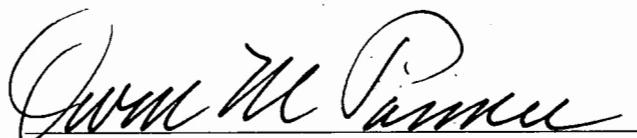
to an award of benefits based on the record as it now stands. I agree with the Findings and Recommendation that the ALJ must resolve outstanding factual issues before determining disability.

CONCLUSION

Magistrate Judge Clarke's Findings and Recommendation (#20) is adopted. The decision of the Commissioner is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Findings and Recommendation.

IT IS SO ORDERED.

DATED this 11 day of August, 2014.



OWEN M. PANNER
U.S. DISTRICT JUDGE